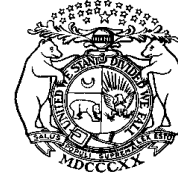




MISSOURI DEPARTMENT OF MENTAL HEALTH

KEITH SCHAFER, DEPARTMENT DIRECTOR



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
4.450

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|--|---|--|-----------------------|-----------------------|
| CHAPTER Program Implementation and Records | SUBCHAPTER Release and Discharge Procedures | EFFECTIVE DATE 6/24/15 | NUMBER OF PAGES 3 | PAGE NUMBER 1 of 3 |
| SUBJECT Sexually Violent Predators Review Committee | | AUTHORITY Section 632.480 to 632.513, RSMo | HISTORY See Below | |
| PERSON RESPONSIBLE Director, Division of Comprehensive Psychiatric Services | | | SUNSET DATE 7/1/18 | |

Conditional Release of Sexually Violent Predators

PURPOSE: Prescribes policies and procedures for the conditional release of clients committed pursuant to 632.480 to 632.513, RSMo.

APPLICATION: Applies to facilities confining civilly committed clients pursuant to 632.480 to 632.513, RSMo.

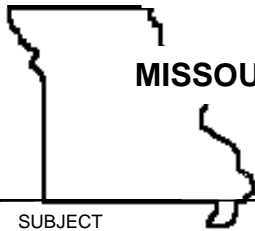
(1) For purposes of this DOR, the following terms mean:

(A) "Sexually Violent Predator," a client committed pursuant to 632.480 to 632.513, RSMo.

(B) "Conditional release," a court-ordered release of a client committed as a Sexually Violent Predator from the designated mental health facility for sexually violent predators subject to conditions ordered by the appropriate court. A conditional release includes releases without discharge in which the client continues to reside at the designated mental health facility while spending time in the community and releases in which the client is discharged from the facility and resides in the community. Any client on conditional release will receive monitoring by Probation and Parole when outside the designated mental health facility or when discharged from the mental health facility to ensure compliance with court-ordered conditions of release.

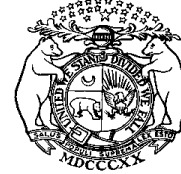
(C) "Facility Sexually Violent Predator Review Committee," a committee appointed by the Chief Operating Officer of the Sex Offender Rehabilitation and Treatment Service (SORTS) consisting of the Chief Operating Officer or designee; a licensed psychologist with expertise in treatment or assessment of sexually violent predators and/or a psychiatrist with experience in treatment or assessment of sexually violent predators; a licensed social worker; a certified recreational or occupational therapist; a registered nurse; a facility unit manager; and a non-clinical/support employee who is not in a mental health service position within the facility. Additional members may be assigned by the Chief Operating Officer. Each facility that houses clients committed as Sexually Violent Predators shall have a Facility Sexually Violent Predator Review Committee.

(D) "Department Sexually Violent Predator Review Committee," a committee appointed by the Department Director or designee, consisting of individuals not on the Facility Sexually Violent Predator Review Committee of the facility referring the client,



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that reviews the recommendations of the Facility Sexually Violent Predator Review Committee and makes recommendations to the Department Director. The committee shall consist at a minimum of a licensed psychologist with expertise in treatment or assessment of sexually violent predators and/or a psychiatrist with experience in treatment or assessment of sexually violent predator; a licensed social worker; a certified recreational or occupational therapist; and a registered nurse. Additional members may be assigned by the Department Director or designee. Members of the Department Sexually Violent Predator Review Committee shall not have been members of the Facility Sexually Violent Predator Review Committee that reviewed the initial referral for the client under consideration.

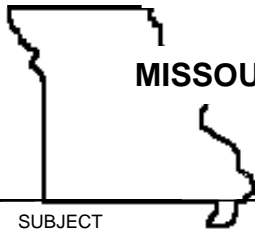
(2) No client whose mental abnormality remains such that the client is likely to commit acts of sexual violence if released shall be authorized by the Department Director to petition for conditional release.

(3) The treatment team responsible for the care and treatment of the client, or the mental health professional completing the annual assessment of the client may refer recommendations for release to the Chief Operating Officer of the SORTS. The Chief Operating Officer of the SORTS will review the referral and, if in concurrence with the recommendation, forward the referral to the Facility Sexually Violent Predator Review Committee.

(A) The Facility Sexually Violent Predator Review Committee shall review referrals initiated as above. For client-initiated petitions, the Chief Operating Officer of the SORTS shall determine whether the petition will be referred as above or whether the petition will not be supported.

(B) If the Facility Sexually Violent Predator Review Committee finds that the referred client's mental abnormality remains such that the client is not safe to be at large and if released is likely to engage in acts of sexual violence, the referral shall be denied and returned to the referral source with a summary of the reasons for the finding.

(C) If the Facility Sexually Violent Predator Review Committee finds that the referred committed client's mental abnormality has so changed that the client is not likely to commit acts of sexual violence if released, the Facility Sexually Violent Predator Review Committee shall submit a recommendation to the Department Sexually Violent Predator Review Committee that the client be considered for authorization to petition the court for release and shall provide proposed conditions of release, which shall minimally include those conditions set out in section 632.505.3, RSMo. Copies of the referral and proposed conditions of release shall also be provided to the Director of the Division of Comprehensive Psychiatric Services and the Department General Counsel.



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(4) The Department Sexually Violent Predator Review Committee shall review the recommendation that the client be considered for authorization to petition the court for release and shall review the proposed conditions of release. The Department Sexually Violent Predator Review Committee may seek additional information from the Chief Operating Officer of the SORTS or designee and may recommend amendments to any of the proposed conditions of release that are in addition to those conditions required by section 632.505.3, RSMo.

(5) If the Department Sexually Violent Predator Review Committee concurs that the client should be considered for authorization to petition the court for release with the proposed conditions of release, the Director of the Division of Comprehensive Psychiatric Services and the Department Director will be notified of the recommendation. The Division Director or designee and/or Department Director may review the recommendation, seek clarification of any questions, and make amendments to any of the proposed conditions of release that are in addition to those conditions required by section 632.505.3, RSMo. The Department Director shall make the final decision whether to authorize the client to petition the court for conditional release with the approved conditions of release.

(6) When the Department Director authorizes the client to petition the court for conditional release, the Chief Operating Officer of the SORTS, as designee of the Department Director, shall provide notice to the client that the client is authorized to petition the court for release with the approved conditions of release. The Chief Operating Officer of the SORTS shall provide notice and the approved conditions to the client and the Office of the Attorney General.

(7) If a client files for conditional or unconditional release any time prior to the Director making a final decision whether to authorize the client to petition the court for conditional release, the referral review process set forth in sections (3), (4) and (5) shall cease and the referral shall be administratively closed.

Reference: 632.480 to 632.513 RSMo.

HISTORY: Original DOR effective February 1, 2011. Amendment effective November 23, 2011. On June 24, 2015, the sunset date was extended to July 1, 2018.